First Nations Water Rights in British Columbia

A Historical Summary of the rights of the Fort George First Nation

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WATER MANAGEMENT BRANCH

FIRST NATIONS WATER RIGHTS IN BRITISH COLUMBIA:

A Historical Summary of the rights of the Fort George First Nation

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Prepared for publication:	December, 1999

Canadian Cataloguing in Publication Data
Jolly, Diana.
First Nations water rights in British Columbia. A historical summary of the rights of the Fort George First Nation

ISBN 0-7726-4120-X

1. Water rights - British Columbia - Fort George Indian Reserve No. 2. 2. Carrier Indians - British Columbia - Prince George Region - Government relations. I. Griffith, Miranda. II. Mogus, Daniella. III. Robinson, Gary W. IV. British Columbia. Water Management Branch. V. Title. VI. Title: Historical summary of the rights of the Fort George First Nation.

KEB529.5.W3J649 2000 346.71104'32 C00-960027-2
KF8210.W38J649 2000

ACKNOWLEDGMENTS

The Ministry of Environment, Lands and Parks wishes to acknowledge three partners whose contributions were invaluable in the completion of the *Aboriginal Water Rights Report Series:*

The Ministry of Aboriginal Affairs, was a critical source of funding, support and direction for this project.

The U-Vic Geography Co-op Program, was instrumental in providing the staffing resources needed to undertake this challenging task. Through the services of June Whitmore and her office, the project benefited from the research, writing, editing and co-ordination of these outstanding students:

Jas Gill
Julie Steinhauer
Kelly Babcock
Daniella Mogus
Miranda Griffith
Christina Rocha
Rachel Abrams
Elizabeth Lee
Sara Cheevers

The services of Clover Point Cartographics Limited of Victoria, was responsible for the preparation of most of the map drawings, which form a valuable part of these documents.

In addition to these three key partners, I must acknowledge the valuable contributions of other Water Management staff, past and present, including Jack Farrell, Jim Mattison, Richard Penner, Diana Jolly, Greg Blaney, Gary Lucas and Kim Johnston.

The sheer numbers of First Nations groups' with histories of water rights made the completion of the Report Series seem, at times, prolonged. The determination, patience and vision of the partners was essential in the completion of the Series and is gratefully acknowledged.

Gary Robinson
Project Manager
Water Management Branch

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FIRST NATIONS WATER RIGHTS REPORT

BAND: Fort George or Lheit-Lit'en Nation

ADDRESS: 5-1257 4th Ave, Prince George BC, V2L 3J5

CHIEF: Peter Quaw

PHONE: 563-9909 **FAX:** 563-9906

AFFILIATION: No Tribal Council Affiliation

LOCATION:

The Fort George Band occupy 4 separate reserves in the Interior Plateau region of British Columbia. The four reserves are:

- Clesbaoneecheck 3 - a 123 hectare reserve located northwest of Prince George and situated on the west bank of the Nechako River.
- Fort George Cemetery 1A - a 1 hectare reserve located within the city of Prince George on the east bank of the Fraser River.
- Fort George (Shelley) 2 - a 524.5 hectare reserve located northeast of Prince George. Fort George 2 is intersected by the Fraser River.
- Salaquo (Chilako River) 4 - a 37.1 hectare reserve located west of the city of Prince George and situated along the east bank of the Nechako River.

Of the four Reserves, water allocations have been made on one, Ft. George (Shelley) Reserve No. 2.

The most recent population figures compiled by the Ministry of Finance show the Fort George Band to have 51 persons living on the above listed reserves as registered members. Its total population, including registered and non-registered members, living on-reserve, on crown land and off-reserve, is reported as 225.

Located on the Interior Plateau the reserves lie at elevations ranging from 1850 feet to 2300 feet above mean sea level, and experience a climate in which average daily temperatures range from lows of -15 degrees centigrade in January to highs of 16 degrees centigrade in July. Average annual rainfall for the area totals between 50 and 100 centimetres.

Water courses of significance include:

- Fraser River - flows south through the centre of British Columbia and eventually drains into the Strait of Georgia.
- Rancheree Creek - flows south, through Fort George Reserve 2, and drains into Fraser River.

WATER ALLOCATIONS:

There are no records of water allocations made by either the Indian Reserve Commission, the Lieutenant Governor-in-Council, or by Determinations of the Board of Investigation.

The water rights of the Fort George Band have been determined by two actions of government over the years:

1) The granting of water licenses in response to Federal Government applications requesting authorization for the use of water on reserves.

2) Actions to amend licensed rights, pursuant to provisions in the *Water Act*.

HISTORY, CURRENT STATUS, AND NOTES:

The history of water rights, the current status of rights and notes for the Fort George Band with respect to Fort George (Shelley) 2 are as follows:

Fraser River

History:

Aug 6, 1969 The Comptroller of Water Rights issued Conditional Water License 34746 to the Superintendent General of Indian Affairs in response to their application. The license was given a date of precedence of August 18, 1967 and authorizes the diversion of 2,000 acre feet from Fraser River for irrigation of 1,000 acres of part of Fort George Reserve No. 2, Cariboo District, lying west of Fraser River, except Pacific Great Eastern Railway Right-of-Way.

Apr 18, 1979 After receiving a letter of abandonment from the lease holder of the land to which Conditional Water License 34746 was appurtenant and receiving written permission from the Department of Indian and Northern Affairs, the Comptroller of Water Rights recorded the license as abandoned. The Fort George Band Council was sent a copy of the letter that acknowledged the abandonment of Conditional Water License 34746 which stated that:

> *"Should the Band wish to use water on Indian Reserve No. 2, Fort George, Cariboo District at some future date, they may file a new water application on any available water source."*

Current Status:

There are many licensees on Fraser River; however, there are no licenses for the benefit of the Fort George Reserve No. 2.

Water Survey of Canada has reported streamflow records on Station 08KE001, Fraser River at Prince George, from 1927 to 1930. For this period the streamflow records reported a low mean monthly flow of 558 cubic metres per second, which occurred in December, increasing to a high, in June, of 2,870 cubic metres per second.

Notes:

1. The Fort George Band was notified of the abandonment of Conditional Water License 34746.

2. The letter sent by the Comptroller of Water Rights to the ~~Broman Lake~~ Band notifies the Band of the abandonment of Conditional Water License 34746 and outlines the process whereby future water rights can be acquired by the Band.

Rancheree Creek and Lake

History:

May 15, 1972 The Comptroller of Water Rights issued Conditional Water License 39140 to the Superintendent General of Indian Affairs from an application filed by Harold Rice and Harry Young. The license was given a date of precedence of July 29, 1969 and authorizes the diversion of 1,000 acre feet of water per annum from Rancheree Creek and Lake for the irrigation of 1,000 acres of Fort George Reserve No. 2, Cariboo District, lying west of Fraser River, except Pacific Great Eastern Railway Right of Way (Plan M395).

Apr 18, 1979 After receiving a letter of abandonment from the lease holder of the land to which Conditional Water License 39140 was appurtenant and having received written permission from the Department of Indian and Northern Affairs, the Comptroller of Water Rights recorded the license as abandoned. The Fort George Band Council was sent a copy of the letter which notified them of the abandonment of Conditional Water License 39140 and advised:

> *"Should the Band wish to use water on Indian Reserve No. 2, Fort George, Cariboo District at some future date, they may file a new water application on any available water source."*

Current Status:

There are no active water licenses on Rancheree Creek or Lake.

Water Survey of Canada has no records of streamflow on Rancheree Creek or Lake and there is no other current information on water availability.

Notes:

1. The Fort George Band was notified of the abandonment of Conditional Water License 39140.

2. The letter sent by the Comptroller of Water Rights notifies the Band of the abandonment of Conditional Water License 34746 and outlines the process by which water rights may be acquired in the future.

OTHER INFORMATION:

Groundwater Records:

A review of well records maintained by the MELP - Groundwater Section found that two wells have been reported on Fort George Reserve No. 2. One well has a recorded yield of 100 gallons of water per minute and the other, a recorded a yield of 8 gallons of water per minute. The extent to which these wells are utilized at this time is unknown. Further details regarding the well characteristics have been appendicized to the report.

As the provision of well information to the Groundwater Section is voluntary, this review should not be assumed to be complete.

Municipal Water Sources:

The proximity of the Fort George Band Reserves to Prince George, south of Fort George Reserve No. 2 and east of the Reserves Clesbaoneecheck No. 3 and Salaquo No. 4, presents the potential for water supply to the Reserves via their connection to a municipal water system. It is assumed that Fort George Cemetery No. 1A is already supplied by the municipal water system as it is located within the municipal boundaries of Prince George.

The City of Prince George has licenses to obtain water from Fraser River and Nechako River. Currently, Prince George obtains all of their water from groundwater sources. Reports on water consumption in 1994 indicate that the City experienced a peak daily demand of 21,038,824 gallons. This quantity is below the authorized daily allowance for waterworks purposes as authorized by the waterworks licenses held by the City.

ATTACHMENT 1

Summary of Water Records

Fort George Band

Water Source	Priority Date	Reserve Name	File Number	Document Type	Status	Superceded By	Licence PUC/MOD & OIC Allotments	Comments
Fraser River	1967/08/19	Fort George #2	0273991	CL 34746	Abandoned		2,000 AF/Irrigation	CL 34746: **Abandonment**: Band notified.
Rancheree Creek Rancheree Lake	1969/07/29	Fort George #2	0290076	CL 39140	Abandoned		1,000 AF/Irrigation	CL 39140: **Abandonment**: Band notified.

LEGEND:

Licence Types (Document Types)
CL: Conditional Licence
FL: Final Licence

Mechanisms for Allocation (Document Type)
OIC: Order-in-Council (as issued by the Luitenant Governor in Council)
MOD: Minute of Decision (as recorded under the Indian Reserve Commission)
IRC: Indian Reserve Commission
AGBC: Attorney Generals Office of BC (followed by File #)

Allotment Units (Licence PUC/MOD & OIC Allotments)
GAD: Gallons a day
AF: Acre feet
CFS: Cubic feet per second

ATTACHMENT 2

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS,
AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Superintendent General of
Indian Affairs (Stuart Lake Agency) of Ottawa, Ontario

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Fraser River.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 18th August, 1967.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 2,000 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is part of Indian Reserve No.2, Fort George, Cariboo District, lying west of Fraser River, except Pacific Great Eastern Railway Right-of-Way, of which 1,000 acres may be irrigated.

(h) The works authorized to be constructed are portable pump, pipe and sprinkler system,

and they shall be located approximately as shown on the attached plan.

(i) The construction of the said works has been commenced, and shall be completed and the water beneficially used on or before the 31st day of December, 1971.

Superseded by
Licence 6 39314
RC

ENTERED ON
Map No. 93 I/12 (a) (1)
By

ABANDONED
20.4.79

H. D. DeBeck,
Comptroller of Water Rights.

File No. 0273991 Date issued: 6 August 1969

Conditional Licence No. 34746

British Columbia

PRINCE GEORGE WATER DISTRICT

CARIBOO DISTRICT

Scale: 80 Chains to 1 Inch

LEGEND

Point of Diversion
Ref. Map — ~~93 J/SW.(a-3)~~ 93 J/2-b
Pipe

VANDERHOOF PRECINCT

The boundaries of the land to which this licence is appurtenant are shown thus:

Signature

Date 6th Aug. 1969

EXHIBIT "A" 5

CL 34746
File 0273991

WATER RESOURCES SERVICE
WATER RIGHTS BRANCH

DEPARTMENT OF LANDS, FORESTS, AND WATER RESOURCES

THE PROVINCE OF BRITISH COLUMBIA—WATER ACT

CONDITIONAL WATER LICENCE

Superintendent General of Indian Affairs (Stuart Lake Agency) of Ottawa, Ontario.

is/are hereby authorized to divert and use water as follows:—

(a) The source(s) of the water-supply is/are Rancheree Creek and Lake.

(b) The point(s) of diversion is/are located as shown on the attached plan.

(c) The date from which this licence shall have precedence is 29th July, 1969.

(d) The purpose for which the water is to be used is irrigation.

(e) The maximum quantity of water which may be diverted is 1,000 acre feet per annum,

and such additional quantity as the Engineer may from time to time determine should be allowed for losses.

(f) The period of the year during which the water may be used is 1st April to 30th September.

(g) The land upon which the water is to be used and to which this licence is appurtenant is that part of Indian Reserve No. 2 Fort George, Cariboo District, lying west of Fraser River, except Pacific Great Eastern Railway Right of Way (Plan M395), of which 1,000 acres may be irrigated.

(h) The works authorized to be constructed are portable pump, pipe and sprinkler system,

which shall be located approximately as shown on the attached plan.

(i) The construction of the said works shall be commenced on or before the 30th day of November, 1972, and shall be completed and the water beneficially used on or before the 31st day of December, 1975.

ABANDONED
20.4.79

H.D. DeBeck,
Comptroller of Water Rights.

File No. 0290076 Date issued: May 15, 1972 Conditional Licence No. 39140

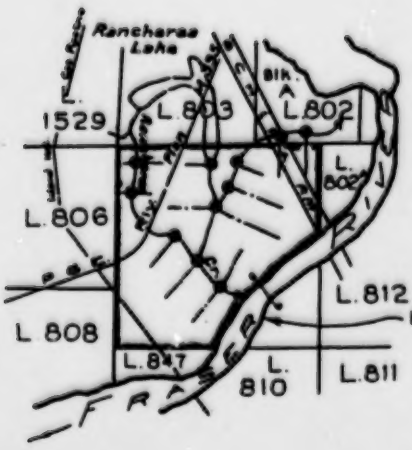
ENTERED ON
Map No. 92 A/9
By

British Columbia

PRINCE GEORGE WATER DISTRICT

CARIBOO DISTRICT

Scale: 80 Chains to 1 Inch



LEGEND

Point of Diversion & Pump ●

Ref. Map 93-J/6c (1-8) 93-J/2-b

Pipe

The boundaries of the land to which this licence is appurtenant are shown thus: ▬▬▬▬▬

VANDERHOOF PRECINCT

Signature

Date 15th May 1972.

CL 59140

File 0290076

ATTACHMENT 3

FRASER RIVER AT PORT MANN PUMPING STATION - STATION NO. 08MH126

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

AR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
65	---	---	---	---	5 990	8 570	6 140	4 650	2 790	2 980	3 050	1 860	---	1965
66	1 340	1 220	1 160	1 180	6 200	8 580	6 730	4 920	3 200	3 970	4 180	2 800	3 820	1966
67	1 820	1 680	1 580	1 600	6 430	11 900	8 050	4 670	3 430	3 960	3 060	1 870	4 080	1967
68	2 430	2 260	2 060	2 340	7 130	9 900	6 700	4 660	3 660	3 960	3 140	1 940	4 080	1968
69	1 330	1 210	1 080	2 920	6 380	8 810	5 300	3 940	3 360	3 340	2 520	1 930	3 520	1969
70	1 880	2 070	1 910	2 460	4 040	7 860	5 190	3 600	2 880	2 360	2 040	1 880	3 180	1970
71	1 880	1 940	1 860	3 360	7 280	8 860	7 020	4 930	3 220	2 900	2 660	1 770	3 630	1971
72	1 630	1 920	3 110	3 140	7 310	11 200	9 010	5 110	2 690	2 210	2 020	2 210	4 300	1972
83	1 940	2 190	2 220	2 780	4 950	7 630	6 850	4 190	2 590	1 850	3 540	1 640	3 540	1983
84	2 510	1 800	2 020	2 760	3 550	7 500	7 910	4 650	3 550	3 730	2 450	1 550	3 670	1984
85	1 520	1 280	1 280	2 980	6 000	8 890	5 420	3 350	2 480	2 600	2 060	1 280	3 290	1985
86	1 780	1 970	2 500	3 980	4 580	9 960	6 430	3 910	2 460	2 020	2 180	1 760	3 570	1986
87	2 030	1 670	2 180	2 950	6 280	7 290	5 280	3 490	2 190	1 460	1 660	1 240	3 190	1987
88	1 030	1 130	1 460	3 090	6 140	7 110	5 580	3 650	2 410	2 180	2 740	1 670	3 200	1988
89	1 570	1 110	1 230	2 570	5 860	7 280	4 760	3 890	2 240	2 000	3 510	2 300	3 200	1989
90	1 910	1 760	1 620	3 530	5 590	9 570	7 170	3 900	2 260	2 350	4 610	2 180	3 870	1990
AN	1 780	1 700	1 870	2 770	5 760	8 760	6 660	4 220	2 830	2 580	2 750	1 890	3 630	MEAN

LOCATION - LAT 49 13 04 N LONG 122 49 37 W
DRAINAGE AREA, 232 000 km²
REGULATED SINCE 1952

MARKS - DRAINAGE AREA INCLUDES 14 000 KM2 BEHIND KENNY DAM. SINCE 1983 THE DISCH. ARE COMPUTED USING A 1-D UNSTEADY FLOW MODEL

FRASER RIVER AT PORT MANN PUMPING STATION - STATION NO. 08MH126

ANNUAL EXTREMES OF DISCHARGE AND ANNUAL TOTAL DISCHARGE FOR THE PERIOD OF RECORD

AR	MAXIMUM INSTANTANEOUS DISCHARGE (m³/s)	MAXIMUM DAILY DISCHARGE (m³/s)	MINIMUM DAILY DISCHARGE (m³/s)	TOTAL DISCHARGE (dam³)	YEAR
65	---	9 600 ON JUN 07	---	---	1965
66	---	8 570 ON JUN 23	657 ON MAR 06	121 000 000	1966
67	---	13 700 ON JUN 22 *	895 ON MAR 22	128 000 000	1967
68	---	10 400 ON JUL 10	949 ON DEC 31	132 000 000	1968
69	---	10 300E ON JUN 10	654 ON MAR 16	111 000 000	1969
70	---	9 710 ON JUN 10	1 220 ON DEC 27	100 000 000	1970
71	---	9 430 ON JUN 12	1 160E ON DEC 31	124 000 000	1971
72	---	12 300 ON JUN 17	1 100 ON JAN 16	136 000 000	1972
83	---	8 870 ON JUL 14	1 080A ON JAN 01	112 000 000	1983
84	11 900 AT 13:30 PST ON JUN 30	9 810 ON JUL 02	690B ON DEC 31	118 000 000	1984
85	13 700 AT 14:45 PST ON JUN 05 *	11 400 ON MAY 29	621 ON FEB 06 *	103 000 000	1985
86	14 800 AT 13:15 PST ON JUN 06 *	12 500 ON JUN 07	974 ON JAN 07	153 000 000	1986
87	11 400 AT 13:00 PST ON MAY 15	8 880 ON JUN 17	1 070E ON DEC 11	101 000 000	1987
88	11 400 AT 13:00 PST ON MAY 18	8 640 ON MAY 18	795E ON JAN 11	101 000 000	1988
89	11 500 AT 22:30 PST ON NOV 10	9 080 ON NOV 10	920E ON MAR 03	101 000 000	1989
90	13 200 AT 07:15 PST ON JUN 17	10 900 ON JUN 16	1 200B ON DEC. 30	122 000 000	1990
A - MANUAL GAUGE (SEE REFERENCE INDEX)	B - ICE CONDITIONS E - ESTIMATED	* - EXTREME RECORDED FOR THE PERIOD OF RECORD		115 000 000	MEAN

FRASER RIVER AT PRINCE GEORGE - STATION NO. 08KE001

MONTHLY AND ANNUAL MEAN DISCHARGES IN CUBIC METRES PER SECOND FOR THE PERIOD OF RECORD

AR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	MEAN	YEAR
27	---	---	---	---	---	---	---	---	---	---	---	---	---	1927
28	---	---	---	---	3 180	3 290	2 490	1 200	738	---	442	---	---	1928
29	---	---	---	---	1 090	2 510	1 770	1 210	735	645	481	---	---	1929
30	---	---	---	---	1 400	2 820	2 300	1 360	978	710	643	558	---	1930
AN	---	---	---	---	1 890	2 870	2 160	1 260	814	678	522	558	---	MEAN

LOCATION - LAT 53 54 45 N LONG 122 42 42 W
DRAINAGE AREA, 79 500 km²
REGULATED SINCE 1952

FRASER RIVER AT PRINCE GEORGE - STATION NO. 08KE001

ANNUAL EXTREMES OF DISCHARGE AND ANNUAL TOTAL DISCHARGE FOR THE PERIOD OF RECORD

AR	MAXIMUM INSTANTANEOUS DISCHARGE (m³/s)	MAXIMUM DAILY DISCHARGE (m³/s)	MINIMUM DAILY DISCHARGE (m³/s)	TOTAL DISCHARGE (dam³)	YEAR
27	---	4 360 ON JUN 11	---	---	1927
28	---	5 410 ON MAY 26 *	---	---	1928
29	---	3 400 ON JUN 12	---	---	1929
30	---	3 850 ON JUN 13	---	---	1930
		* - EXTREME RECORDED FOR THE PERIOD OF RECORD		---	MEAN

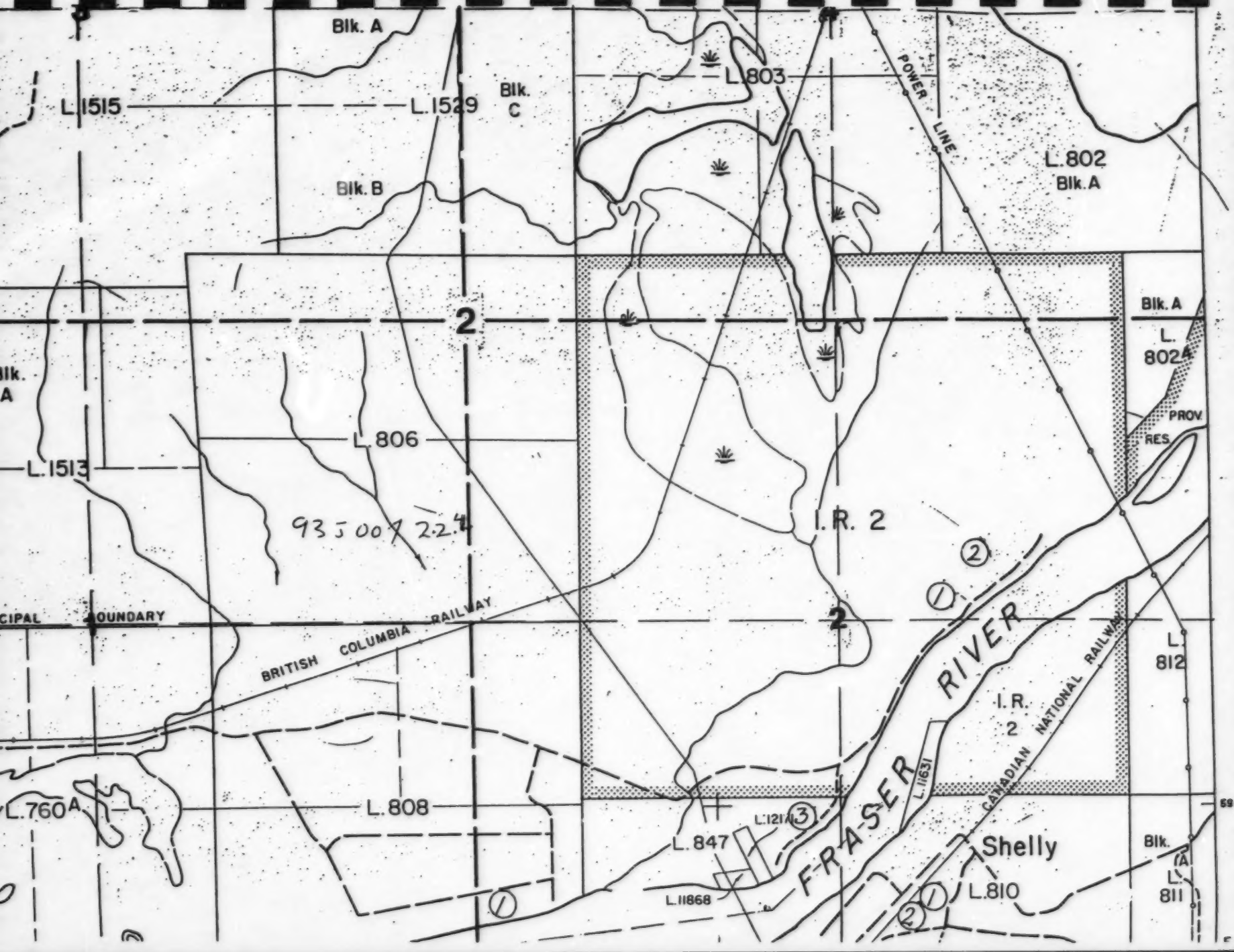
ATTACHMENT 4

25/08/95

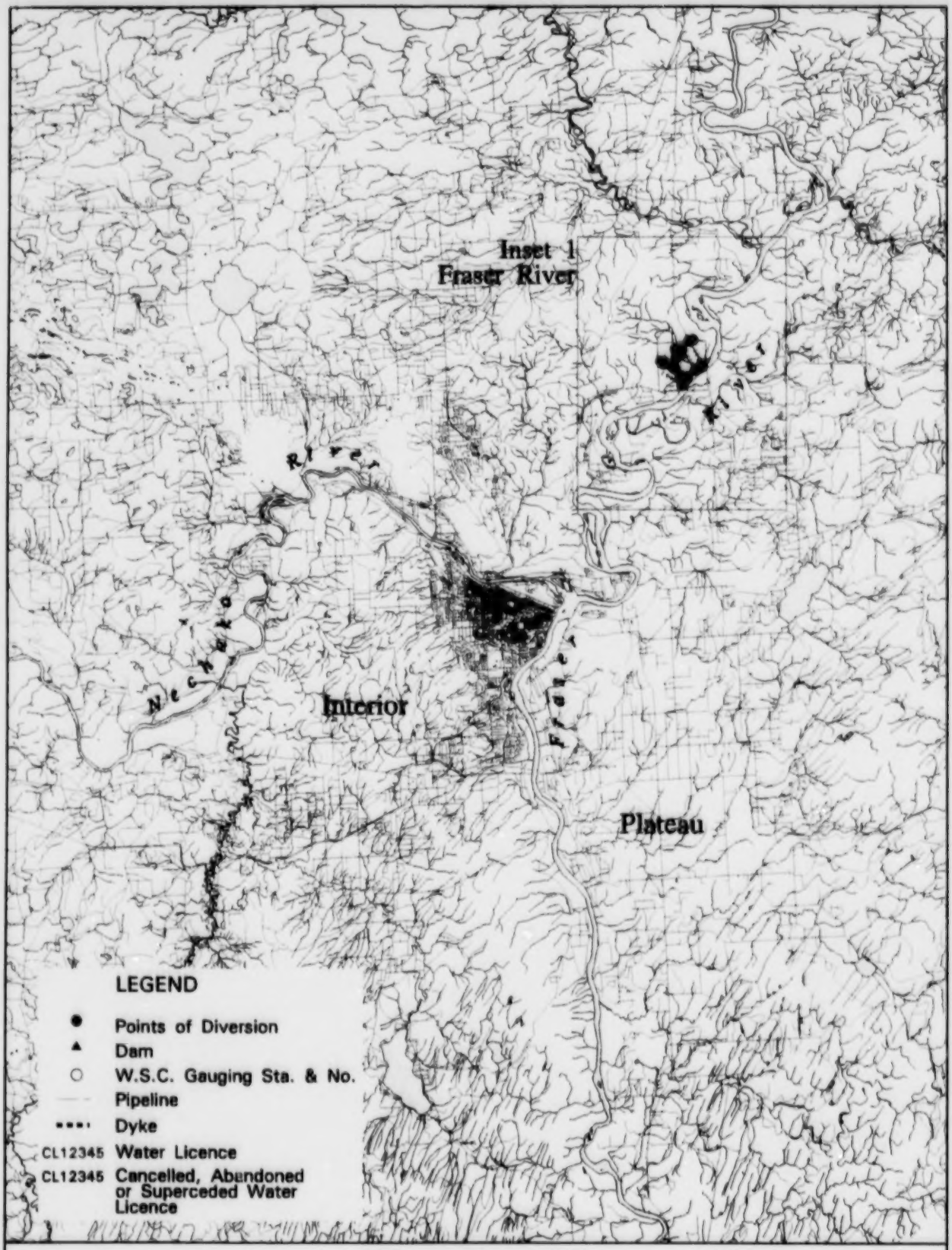
Ministry of Environment - Water Management Branch - Groundwater Section
Groundwater Database System
Data Summary - with Legal Descriptions and Old Coordinates

NTS Map Area	Well No.	Well Tag No.	Lot No.	Plan No.	Blk No.	TP	SC	RG	D.L.	I	X	Y	Old Well No.	L.D.	Site Address	Date Constructed (dmy)	Well Depth (ft.)	Well Diam. (in.)	Drill Contr No.	Const. Method	Well Yield	Yld. Unt.	Depth to Water (ft.)	Depth to Bedrk (ft.)	Aquif Litho	Screen Interval (ft.)	G.W. Rpt	Ch La
093J.007.2.2.4	001	000000019998								24	10	09	001	05		04-06-1966	52.0	11.0	021	DRI	100.0	GPM	15	UNK	UNC			
093J.007.2.2.4	003	000000021435								24	10	09	003	05		28-04-1968	117.0	0.0	065	DRI	8.0	GPM	UNK	UNK	UNC			

DISCLAIMER: The Province disclaims all responsibility for the accuracy of this information. This information should not be used as a basis for making financial or any other commitments.


Blk. A
L.1515
L.1529
Blk. C
L.803
POWER LINE
L.802
Blk. A
Blk. B
2
Blk. A
L. 802A
PROV. RES.
L.806
L.1513
93J007 22.4
I.R. 2
2
BRITISH COLUMBIA RAILWAY
FRASER RIVER
CANADIAN NATIONAL RAILWAY
L. 812
I.R. 2
L.11631
L.760A
L.808
L.12114
L.847
L.11868
Shelly
L.810
Blk. A
L. 811

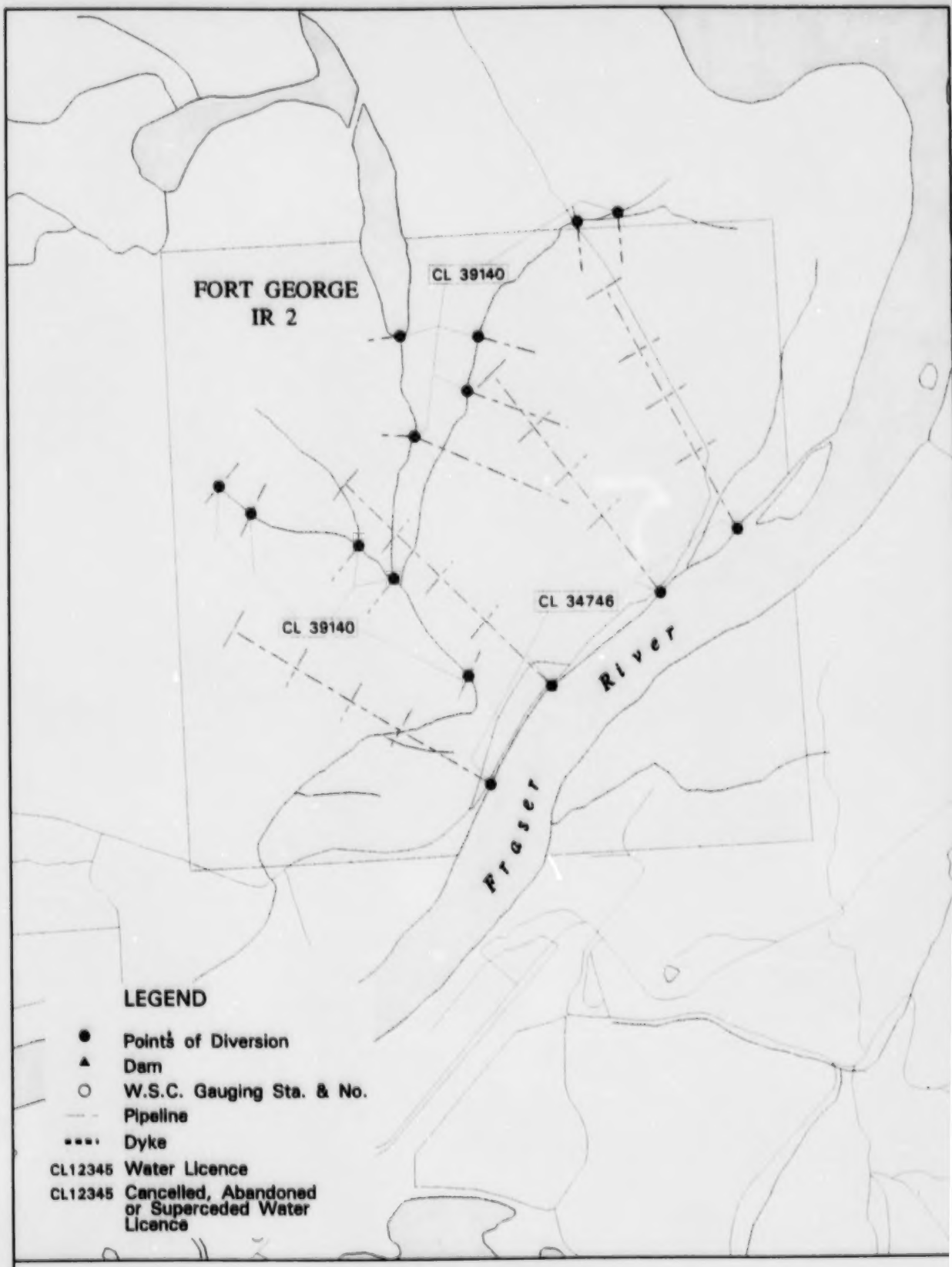
ATTACHMENT 5



Fort George

Scale 1:250,000

Ministry of Environment, Lands & Parks | Date: October 28, 1997 | Environment & Lands Division



Fraser River

Scale 1:20,000

Ministry of Environment, Lands & Parks

Date: October 27, 1997

Environment & Lands Division